

## Message Text

CONFIDENTIAL

PAGE 01 IAEA V 00116 071749Z  
ACTION IO-13

INFO OCT-01 EUR-12 ISO-00 OES-06 ACDA-07 CIAE-00 INR-07  
L-03 NSAE-00 NSC-05 EB-07 NRC-05 FEAE-00 DODE-00 PM-04  
SS-15 IOE-00 AF-08 ARA-06 EA-07 NEA-10 /116 W  
-----071753Z 106184 /46

P R 071712Z JAN 77  
FM USMISSION IAEA VIENNA  
TO SECSTATE WASHDC PRIORITY 8515  
USERDA HQ WASHDC PRIORITY  
USERDA HQ GERMANTOWN PRIORITY  
USMISSION EC BRUSSELS

C O N F I D E N T I A L IAEA VIENNA 0116

DEPT PASS IO/SCT AND NRC

EO 11652: GDS  
TAGS: IAEA, PARM, TECH, ENRG, EEC  
SUBJ: IAEA REACTION TO EURATOM PROPOSAL

REF: IAEA VIENNA 10412

1. FOLLOWING IS DRAFT TEXT OF TELEGRAM EXPECTED TO  
BE SENT BY IAEA DR. GEN. EKLUND TO EURATOM DIR.  
GEN. SCHUSTER JANUARY 7:

QUOTE, FURTHER TO THE DISCUSSIONS WITH MESSRS.  
HAMMER, SCHLEICHER AND LONGO, CONSULTATIONS HELD  
SO FAR CONFIRM IAEA'S STRONG PREFERENCE FOR THE  
SOLUTION WE PROPOSED NAMELY THAT EACH STATE REQUIRING  
ADDITIONAL ACTION BY PARLIAMENT IN REGARD TO  
ACCESS OF IAEA INSPECTORS SHOULD, IN ANTICIPATION  
OF SUCH ACTION, NOW NOTIFY IAEA THAT IT HAS MADE THE  
NECESSARY INTERNAL ARRANGEMENTS ON A  
CONTRACTUAL BASIS FOR APPLYING THE AGREEMENT AND  
THAT ITS OWN REQUIREMENTS FOR ENTRY INTO FORCE  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 IAEA V 00116 071749Z

OF THE AGREEMENT HAVE BEEN MET. THIS WOULD CONSTITUTE  
A NOTIFICATION TO IAEA UNDER ARTICLE 25 (A) OF THE  
AGREEMENT. THE COMMUNITY AND THE STATES THAT DO  
NOT HAVE ADDITIONAL LEGISLATIVE REQUIREMENTS WOULD  
SIMPLY INFORM IAEA THAT THEIR CONSTITUTIONAL  
REQUIREMENTS FOR ENTRY INTO FORCE HAD BEEN MET.

QUOTE. ON RECEIPT OF THESE EIGHT NOTIFICATIONS THE AGREEMENT WOULD ENTER INTO FORCE AND DIRECTOR GENERAL WOULD SO INFORM ALL MEMBER STATES OF THE IAEA. NO APPROVAL BY THE IAEA BOARD OF GOVERNORS WOULD BE REQUIRED AND THERE WOULD BE NO OBLIGATION TO NOTIFY THE IAEA OF THE CONVERSION OF THE CONTRACTUAL INTERNAL ARRANGEMENTS INTO NATIONAL LAW.

QUOTE. THE ALTERNATIVE POSSIBILITY WE DISCUSSED WOULD REQUIRE FURTHER CONSULTATIONS AND DISCUSSIONS. IN THIS CASE IT APPEARS THAT AT A MINIMUM THE FOLLOWING SHOULD BE ENVISAGED:

QUOTE. (A) A PROPOSAL WOULD HAVE TO BE MADE TO THE 22 FEBRUARY MEETING OF THE IAEA BOARD OF GOVERNORS TO APPLY FULLY THE SAFEGUARDS AGREEMENT PENDING ITS FORMAL ENTRY INTO FORCE, ON THE UNDERSTANDING THAT SUCH FORMAL ENTRY INTO FORCE WOULD DEPEND SOLELY ON THE COMPLETION OF CERTAIN ALREADY INITIATED LEGISLATIVE ACTION IN CERTAIN OF THE STATES CONCERNED, IN RESPECT OF ACCESS OF IAEA INSPECTORS TO PLANTS AND MATERIAL IN ACCORDANCE WITH THE AGREEMENT;

QUOTE. (B) THE BOARD WOULD BE INFORMED THAT THE LEGISLATIVE ACTION IN QUESTION HAD ALREADY BEEN PLACED BEFORE PARLIAMENT BY THE STATES CONCERNED;

CONFIDENTIAL

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PAGE 03 IAEA V 00116 071749Z

QUOTE. (C) IF THE BOARD APPROVED THIS PROCEDURE, IT WOULD BE IMPLEMENTED BY A FORMAL EXCHANGE OF LETTERS BETWEEN THE SEVEN STATES, THE COMMUNITY AND THE IAEA;

QUOTE. (D) THE DIRECTOR GENERAL WOULD REPORT TO EACH SUBSEQUENT SESSION OF THE BOARD OF GOVERNORS ON THE PROGRESS IN BRINGING THE SAFEGUARDS AGREEMENT FORMALLY INTO FORCE;

QUOTE. (E) THE BOARD MAY WISH TO REVIEW THE ENTIRE ARRANGEMENT AFTER A SPECIFIC DEADLINE IF THE AGREEMENT HAD NOT FORMALLY ENTERED INTO FORCE BY THAT TIME;

QUOTE. (F) ANY PRACTICAL PROBLEMS THAT MIGHT BE ENCOUNTERED IN THE APPLICATION OF THE AGREEMENT WILL NOT BE USED AS GROUNDS FOR DELAYING ITS FORMAL ENTRY INTO FORCE;

QUOTE. (G) THE DE FACTO ARRANGEMENT  
MADE IN THIS CASE WOULD NOT CONSTITUTE A PRECEDENT  
FOR ANY OTHER NPT SAFEGUARDS AGREEMENT;

QUOTE. (H) THE DEADLINES REFERRED TO IN ARTICLE  
40 OF THE AGREEMENT (SUBSIDIARY ARRANGEMENTS) AND  
ARTICLE 62 OF THE AGREEMENT (INITIAL REPORT) WOULD  
BE BASED ON THE DATE OF THE EXCHANGE OF LETTERS  
AND WOULD BE TRIGGERED BY THAT EXCHANGE;

QUOTE. (I) THE EXCHANGE OF LETTERS WOULD TAKE  
PLACE WITHIN A DEFINED PERIOD AFTER BOARD  
APPROVAL OF THE PROCEDURE E.G. THIRTY DAYS;

QUOTE. (J) THE DIRECTOR GENERAL WOULD INFORM  
ALL MEMBER STATES OF THE EXCHANGE OF LETTERS. UNQUOTE

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PAGE 04 IAEA V 00116 071749Z

2. MISSION UNDERSTANDS FROM FISCHER, IAEA  
SECRETARIAT, THAT CONTRARY TO OUR EARLIER IMPRESSION  
(SEE PARA 5 REFTEL THAT VIEWS WERE TO BE EXCHANGED  
AT MEETING IN EARLY JANUARY, SUCH VIEWS WERE MERELY  
TO BE COMMUNICATED. ACCORDINGLY, TELEGRAM PER  
PARA 1 ABOVE WILL CONSTITUTE IAEA SECRETARIAT VIEWS.LABOWITZ

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POLICIES, DIPLOMATIC COMMUNICATIONS, TREATY ENTRY INTO FORCE, CONSULTANTS, INSPECTIONS, NUCLEAR SAFEGUARDS, NUCLEAR POWER PLANTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 07-Jan-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977IAEAV00116  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770007-0447  
**Format:** TEL  
**From:** IAEA VIENNA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t19770172/aaaacldx.tel  
**Line Count:** 145  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 5d9a30dc-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION IO  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 IAEA VIENNA 10412  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 16-Nov-2004 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3646720  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** IAEA REACTION TO EURATOM PROPOSAL  
**TAGS:** ENRG, TECH, PARM, IAEA, EEC, (EKLUND, SIGVARD)  
**To:** STATE ERDA  
**Type:** TE  
**vdkgvkey:** odbc://SAS/SAS.dbo.SAS\_Docs/5d9a30dc-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
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